

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CITY OF LINCOLN, Nebraska, A  
municipal corporation,

Plaintiff,

V.

WINDSTREAM NEBRASKA, Inc.,

Defendant.

4:10CV3030

# MEMORANDUM AND ORDER

IT IS ORDERED:

- 1) The defendant's unopposed motion for leave to designate an additional expert witness, (filing no. 118), is granted. The defendant's Rule 26 (a)(2)(B) disclosure of its additional expert shall be served by email or facsimile on or before August 12, 2011, and this additional expert shall be available to be deposed during the week of August 22, 2011.
- 2) As to retained experts Garth Ashpaugh, Daniel J. Caldwell and Jeffrey L. Pursley, any *Daubert* motions shall be filed on or before August 8, 2011, with any response thereto filed on or before August 18, 2011. No reply shall be filed absent leave of the court for good cause shown.
- 3) As to the City's newly disclosed expert, Peter McManamon, and any additional expert Windstream may disclose in response to Mr. McManamon, any *Daubert* motions shall be filed on or before August 26, 2011, with any response thereto filed on or before September 2, 2011. No reply shall be filed absent leave of the court for good cause shown.

DATED this 2nd day of August, 2011.

BY THE COURT:

*s/ Cheryl R. Zwart*

United States Magistrate Judge